

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**VIRNETX INC. AND  
LEIDOS, INC.,**

**Plaintiffs,**

**v.**

**APPLE INC.**

**Defendant.**

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**Civil Action No. 6:12-cv-855**

**JURY TRIAL DEMANDED**

**APPLE INC.'S RESPONSE TO THE COURT'S QUESTION AT THE PRETRIAL  
CONFERENCE REGARDING HAVING ALL LIVE WITNESSES TESTIFY BY VIDEO**

At the August 3, 2020 pretrial conference, the Court asked whether the parties would be agreeable to having all live witnesses testify by video at the upcoming August 17, 2020 trial. While Apple maintains the trial date should be continued to November 2020 (Dkt. 918), to the extent the trial goes forward in August, Apple would agree to have all witnesses testify by video to avoid the prejudice to Apple that would otherwise ensue if two of Apple's four witnesses, and no VirnetX witnesses, were to testify by video.

Dated: August 3, 2020

Respectfully submitted,

/s/ Leslie Schmidt

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**ATTORNEYS FOR APPLE INC.**

**CERTIFICATE OF SERVICE**

The undersigned certifies that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system pursuant to Local Rule CV-5(a)(3) on this the 3rd day of August 2020.

/s/ Leslie Schmidt

Leslie Schmidt